

PETER C. ANDERSON
UNITED STATES TRUSTEE
MICHAEL JONES, State Bar No. 271574
ASSISTANT UNITED STATES TRUSTEE
RON MAROKO, State Bar No. 124770
TRIAL ATTORNEY
OFFICE OF THE UNITED STATES TRUSTEE
915 Wilshire Boulevard, Suite 1850
Los Angeles, California 90017-5418
(213) 894-4520 telephone; (213) 894-2603 facsimile
Email: ron.maroko@usdoj.gov

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re:) Case No.: 2:23-bk-10990-SK
LESLIE KLEIN,) Chapter 11
Debtor.)
)
) OPPOSITION TO EMPLOYMENT
) APPLICATION OF LAW OFFICES OF
) MICHAEL JAY BERGER AS DEBTOR'S
) COUNSEL; REQUEST FOR HEARING
)
) Hearing Date: Not yet set
) Courtroom: 1575

**TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE,
DEBTOR'S PROPOSED ATTORNEY, AND ALL INTERESTED PARTIES:**

NOTICE IS HEREBY GIVEN that the Peter C. Anderson, the United States Trustee for Region 16, (“hereinafter “United States Trustee”) hereby opposes Debtor’s Application to Employ Law Offices of Michael Jay Berger (“Applicant”) as its counsel (“Application”; Doc 24). Pursuant to the procedure in Local Bankruptcy Rule 9013-1(o)(4), this opposition is also a request that the Applicant set the Application for hearing.

NOTICE IS FURTHER GIVEN that, under Local Bankruptcy Rule 9013-1(o), the failure to set the Application for hearing may result in the Application being denied without prejudice, without further notice and hearing.

NOTICE IS FURTHER GIVEN that should the Application be set for hearing, any reply must be filed with the Court and served upon the United States Trustee not later than seven days prior to the hearing on the Application. Local Bankruptcy Rule 9013-1(d)(2).

1 Debtor's bankruptcy case was filed on February 15, 2023, under subchapter V and was
2 assigned case number 2:23-bk-10090-SK. Applicant filed Debtor's petition as attorney of record.
3 On March 8, 2023, Applicant amended the petition to un-elect the subchapter V election (Doc 33).

4 This Application was filed on March 2, 2023 (Doc 24), under the procedures set forth in
5 Local Bankruptcy Rules 9013-1(o). Therefor this Opposition is timely.

6 In the declaration attached to the Application, at paragraph 11, proposed counsel discloses:
7 "On February 15, 2023, Doctors Marketing Group, LLC paid me the \$20,000.00 retainer and the
8 \$1,738.00 filing fee as a gift contribution to the Debtor. Doctors Marketing Group, LLC is not
9 seeking repayment from Debtor. Doctors Marketing Group, LLC is not a creditor of the Debtor."
10 This statement is also included at paragraph 4, in the Statement of Disinterestedness for
11 Employment of Professional, attached to the Application as Exhibit 3. As similar statement is
12 included at paragraph 3 of the Declaration of Leslie Klein attached to the Application. No
13 additional information about Doctors Marketing Group, LLC is provided.

14 Under Fed. R. Bankr. P. 2014(a) proposed counsel is required to disclose all of his
15 connections to the debtor, creditors, and other parties in interest and any proposed compensation
16 arrangement. This application fails to provide sufficient information about the compensation
17 arrangement. The brief statement in the Application that this third party, with no disclosed
18 connection to Debtor is inadequate. Additional information is needed to describe why this third
19 party would make such a gift and more fully explain its connections to the Debtor. For example,
20 the Application should include a description with specificity of whether Doctors Medical Group,
21 LLC and its members are business partners, family members, and/or clients of Debtor, so the
22 relationship is clear as to why the gift was made. Furthermore, it is unclear whether Doctors
23 Marketing Group has made similar gifts or payments to Debtor in the past. It is also unclear
24 whether Applicant has any connection(s) to Doctors Marketing Group, LLC. Lastly, there is no
25 discussion, from proposed counsel or Debtor, about whether there is an obligation by Doctors
26 Marketing Group, LLC to provide additional monies for legal fees and/or whether proposed counsel
27 may submit bills directly to Doctors Marketing Group, LLC during the course of the case,
28 notwithstanding paragraph 7 of retainer letter. Thus, more information is needed and absent these

1 disclosures the Application is inadequate and should be denied.

2 **WHEREFORE**, based upon the foregoing, and as currently presented in the employment
3 application, the United States Trustee prays for an order: (1) sustaining the United States Trustee's
4 opposition; (2) denying Debtor's application to employ the Law Offices of Michael Jay Berger as
5 Debtor's counsel, and (3) such other and further relief as the Court believes just and proper.

6 Dated: 3/16/2023

PETER C. ANDERSON
UNITED STATES TRUSTEE

7
8 By: /s/ Ron Maroko
Ron Maroko
9 Attorney for the United States Trustee

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017

A true and correct copy of the foregoing document entitled (*specify*): OPPOSITION TO EMPLOYMENT APPLICATION OF LAW OFFICES OF MICHAEL JAY BERGER AS DEBTOR'S COUNSEL; REQUEST FOR HEARING will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 3/16/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Michael Jay Berger (Debtor's counsel) michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com

Greg P Campbell ch11ecf@aldridgeppte.com, gc@ecf.inforuptcy.com; gcampbell@aldridgeppte.com

Theron S Covey tcovey@raslg.com, sferry@raslg.com

Dane W Exnowski dane.exnowski@mccalla.com, bk.ca@mccalla.com, mccallaecf@ecf.courtdrive.com

Michael Jones michael.jones4@usdoj.gov

Ron Maroko ron.maroko@usdoj.gov

Joshua L Scheer jscheer@scheerlawgroup.com, jscheer@ecf.courtdrive.com

Mark M Sharf (TR) mark@sharflaw.com, C188@ecfcbis.com; sharfl000@gmail.com

United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

Michael L Wachtell mwachtell@buchalter.com

John P. Ward jward@attleseystorm.com, ezhang@attleseystorm.com

Paul P Young paul@cym.law, jaclyn@cym.law

— Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None

— Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR

EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge's copy temporarily suspended under General Order 20-02, as updated by General Order 23-01

— Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/16/2023	Ron Maroko	/s/ Ron Maroko
Date	Printed Name	Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.